

IV. CONCLUSION

AAA provides an important public safety service, but the Commission failed to acknowledge this fact and provide appropriate treatment of the Auto Emergency frequencies in the *Second Report and Order*. The Auto Emergency frequencies should be placed in the Public Safety Pool and AAA should have the same coordination rights over these frequencies as other coordinators in that pool have over their frequencies. Any interpool sharing that results from implementing this proposal should be grandfathered, and grandfathered users should be permitted to expand these arrangements as needed. If the Commission does not follow this approach, it should, at a minimum, give AAA stronger coordination rights within the Industrial Pool and, when sponsored by a government user, access to public safety frequencies.

Respectfully submitted,

AMERICAN AUTOMOBILE ASSOCIATION

By: 

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Its Attorneys

May 19, 1997

Club ERS Radio Communications Study

**Q6. Do you interface with, or work in conjunction with, law enforcement operations?
(Please describe)**

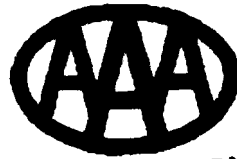
Club #	Description
002	Daily we interface with police agencies. We dispatch ERS trucks for babies locked in car, routine safety, accidents, extreme heat, snow, rain/flood, etc.
008	Routine incident management contacted by state and local police accidents, vehicle and members on highway broken down in harm's way, broken down in major high crime areas
010	Accept telephone service request from the law enforcement community
020	Club provides an 800# to allow law enforcement officials to call-in assistance for stranded members.
022	If vehicles are in dangerous situations and it appears to be an AAA member—law enforcement agencies automatically call us.
034	Fleet is available to assist on any emergency (floods, car accidents, etc.)
036	Regularly called by state police for breakdowns and accidents; many local —make our own vehicles available during natural disasters or severe weather.
039	We coordinate activities with state and local police to the extent this is practical
057	Local police agencies will call for assistance with member-related vehicle breakdowns or accidents. County sheriff has AAA dispatch phone number programmed into their dispatch console.
069	Public safety emergencies, incident management
071	Statewide dispatch 800# for police calls
074	New Jersey clubs established a toll-free hotline for state police to report disabled motorists who request AAA. Requires quick response.
080	Report accidents, fires or hazards that are spotted in the field to the proper authorities.
097	Mobile units report and emergencies to the club. In turn we contact the appropriate law enforcement agency. Assistance is offered.
100	MVA's: agencies call us to get AAA service
112	Club manager is on local incident management team and attends all scheduled meetings every two months. ERS Dispatcher or contractor may call special telephone number if some form of traffic control is required at the scene of breakdown.
128	Accidents, stranded motorists (non-members), lockout service, fuel delivery, towing of vehicles
130	Accident towing; severe weather emergencies.
133	Miamisburg train derailment to 1987; 1977-1978 blizzard. Transport of doctors, nurses, fire and emergency personnel.
151	When members are involved in accidents and breakdowns law enforcement agencies call for tow trucks.
160	Patrolmen call our contractors for accidents
178	Dedicate telephone line to Tulsa and Oklahoma City police dept. for member requested emergencies to an officer. They call our dispatcher direct.
178	Local police call us directly to respond to traffic accidents.
188	Accidents, routine ERS
212	Designated police phone line
212	Designated police phone line direct to dispatcher available to all area police departments.
215	All police departments within our servicing area have a hotline number to dispatch for emergencies.

Club ERS Radio Communications Study

Q7. Can you provide examples of how at-will voice or digital access to AAA's voice or digital frequencies would interfere with your ERS dispatch operation?

Club #	Example
002	All Phoenix and Tucson ERS calls are communicated instantly to ERS contractors in a tow truck. 2,000 to 3,000 calls per day would be significantly affected by the interface.
008	Delays in dispatching time, increased safety concerns. With an average of 800 calls per day—major delays will leave accidents, unattended, police calls, traffic blocked, members in dangerous situations.
010	Due to traffic volume during peak period demand, we would not have sufficient air time to dispatch to contractor causing staffing/time delays.
022	The constant radio chatter would cause delays in dispatching necessary service.
034	We could not depend on clear communication to our drivers resulting in untimely or unfulfilled emergency service to the public. (ex. Police call not being able to get truck to scene which needs to lift vehicle or secure vehicle to help save life. Lockout not being done with baby in running car, windows up 95% outside.
038	This would interfere with our ability to quickly respond to emergency situations because of interference from other user on our frequencies.
039	At-will access would interfere with driver and dispatcher ability to communicate when and as needed. The nature of our dispatch operation is so time sensitive that even delays of a second or two would be a disruption.
049	Would interfere with contact between our dispatch center and contractor. Frequencies would be tied up.
057	AAA Emergency dispatch routinely consumes 100% of the airtime on exclusive frequencies...periodically each day. The impact is more significant during extreme weather. Additional users on the frequency could seriously slow response to members and the public—those who are stranded in dangerous locations of weather conditions.
069	With more users on the frequencies it would definitely interrupt our ability to effectively dispatch our ERS calls in a timely manner. Transmissions could be walked-on by other users.
071	Our ability to transmit active ERS calls and/or receive call status updates would be slowed or delayed by busy signals when keying-up the microphone.
074	Busy frequencies will impede our ability to respond to emergency situations in a timely manner (i.e. baby locked in car, disabled vehicles in traffic lanes on busy highways, accidents, etc.
075	Channels will be over used and busy, would not be able to get drivers with information on Emergency road calls. We need those frequencies as does police and fire departments.
080	Create communication delays; hamper timely service delivery
095	Slower response, trouble getting through.
097	Would not allow enough air time to dispatch calls in a timely manner. Delays in response time could jeopardize member's safety and/or create traffic difficulties

111	Our frequencies now at 90% use; it would be hard for anyone else to use. We are now overloading on certain frequencies now.
112	Already experience some interference as we are on a shared repeater. More users in the same frequency would definitely cause problems—especially if we should ever go to full blown radio dispatch.
116	This would greatly hinder our contractors as well as our ability to get our members off an emergency situation (especially critical in extreme weather).
128	Saturating frequencies with non-emergency communications may cost lives when interference causes blockage of airwaves and delays for emergency service equipment.
130	Interference will inhibit the flow of data to emergency service vehicles in responding to disabled motorists on roadways, causing safety issues for motorists and public at large. National road call volumes do indicate a need for special consideration.
133	Could delay help to motorists stranded on interstates—hold up traffic resulting in more accidents, delay in service to emergencies, lockouts.
137	Would delay dispatch time
151	Would inhibit our ability to provide ERS to stranded motorists. During peak times it would make it impossible to direct trucks to these stranded motorists.
164	It would cause mass interference, especially during peak call volume times.
176	I dispatch and track 143,000 emergency calls in Tulsa and Oklahoma City yearly, your example would make this endeavor a nightmare.
178	Having other users on our frequencies would add to the delay in dispatching calls to our contractors.
189	It would shut down our operation completely. The radio frequency would be overloaded and cripple our operation to the extent that our radios would be useless
201	We handle police accident requests for our members, where we need to be able to contact our contractors immediately for immediate response if we are not competing with garbage men, delivery people, plumbers. We will not be able to serve our members and help police clear the accident scene or disabled vehicle which may be in a dangerous situation.
212	Inability to ensure clear access could result in delays of service to stranded members in dangerous situations (i.e. interstates, accidents, breakdowns in unsafe areas).
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215	A shared channel will absolutely not work on our 6 digital channels. Each channel emits a synchronization header each second to send and receive digital messages. Any voice transmission on the channel will corrupt digital communication.
252	Disrupt our communications with contractors.
260	Interference would greatly hinder the efficiency of "on-air" operations in the delivery of more than 160 service calls per day.



Minneapolis

Over 90 Years of Service

5400 Auto Club Way
Minneapolis, MN 55416-2576
612/927-2600 (FAX: 612/927-2559)

May 2, 1997

Mr. Marshall Doney
American Automobile Association
1000 AAA Drive
Heathrow, FL 32746-5063

RE: FCC Actions Effecting ERS

Dear Mr. Doney:

I have enclosed an article published in the April 1997 edition of American Towman . . . it's self-explanatory.

Contractors have provided similar assistance to the public by using their AAA radios to request police and/or fire support for many years.

Examples include:

- * Happening upon an assault, a contractor alerted AAA to call for police while the driver assisted the victim and frightened away the attacker.
- * An AAA driver observed an abduction . . . contacted AAA dispatch and followed the suspect vehicle. The driver, in constant communication with AAA dispatch, relayed the direction of travel while the AAA dispatcher forwarded the information to the police dispatcher. Following nearly 15 minutes of communication the police were able to apprehend the suspect and free the abducted party.
- * AAA drivers have spotted structure/vehicle fires and relayed vital information to fire personnel via AAA dispatch.
- * Accident information is routinely routed to local police agencies . . . identifying personal injury situations and/or hazardous conditions.
- * Road and weather conditions affecting travel (flooding, power lines/trees down, etc.) are relayed to AAA dispatch for dissemination to appropriate agencies/media . . . as conditions/situation dictates.

While these situations may not be unique and/or constant, congested radio frequencies could hamper timely communication and impact the severity of the situation at hand.

Reflecting on normal daily activities, it's not unusual for our existing radio frequencies (approximately 24 radios per frequency) to be congested periodically with routine AAA traffic. Further, AAA traffic tends to be more professional, concise and brief . . . per message. Therefore, shared frequencies would no doubt significantly impact our ability to provide timely emergency response communication.

AAA Minneapolis dispatch is a hot key phone target for dispatch operations of the local sheriff and the Minnesota State Patrol. Vehicle accidents, stalls blocking traffic or in hazardous locations and routine roadside assistance requests, involving AAA members, are routinely relayed to AAA dispatch by law enforcement agencies.

In fact, several AAA contractors have police contracts for towing/extrication, etc. On occasion AAA dispatch relays requests for service for non-member police calls.

I have a real concern about timely radio communications during weather extremes (cold, snow and blizzard conditions). Prompt response is a serious issue when personal safety is at stake!

In general, allowing additional users, let alone non-emergency users, on the auto emergency frequencies would have a significant impact on AAA's ability to promptly respond to those many situations previously described.

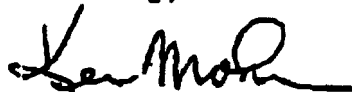
Driver fatigue, combined with the frustration of not being able to communicate with dispatch in a timely fashion, could contribute to poor driver attitude . . . impacting member/customer service and possibly even driver morale. Perhaps to some degree even impacting driver and public safety.

Finally, should the auto emergency frequency be made available to other users, the new users would most likely encounter congested airwaves . . . impacting their ability to conduct business.

Frankly, it sounds like a no-win situation for the radio user!

I trust this information will be helpful and supports the position of other AAA clubs.

Cordially,



Ken Mohr, Vice President
Member Services

F1H3

CERTIFICATE OF SERVICE

I, Deborah N. Ng, do hereby certify that a copy of the foregoing Petition for Reconsideration of the American Automobile Association was delivered, by hand, to each of the following, this 19th day of May 1997:

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Federal Communications Commission
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Washington, D.C. 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

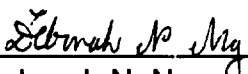
Commissioner Rachelle B. Chong
Federal Communications Commission
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Deborah N. Ng

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

RECEIVED

JUL - 2 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Replacement of Part 90 by Part 88 to Revise) PR Docket No. 92-235
the Private Land Mobile Radio Services and)
Modify the Policies Governing Them)
)
Examination of Exclusivity and Frequency)
Assignments Policies of the Private)
Land Mobile Services)

REPLY OF THE AMERICAN AUTOMOBILE ASSOCIATION

The American Automobile Association ("AAA"), by its attorneys,
hereby responds to the oppositions and comments filed regarding AAA's Petition for
Reconsideration in the above-referenced docket.

INTRODUCTION

In its *Second Report and Order* in this proceeding, the Commission
consolidated twenty services within the Private Land Mobile Radio Services into
two broad pools: a Public Safety Pool and an Industrial/Business Pool. ^{1/} The
reason the Commission decided to establish a separate Public Safety Pool "stem[s]
from the fact that a majority of the communications required by the public safety
community are used to protect life and property" and that "competing demands for

^{1/} Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio
Services and Modify the Policies Governing Them, Second Report and Order, PR
Docket No. 92-235, FCC 97-61 (rel. March 12, 1997) ("*Second Report and Order*").

and use of spectrum from entities with a different mission and less critical set of needs than this community could place an unacceptable strain on the integrity of public safety spectrum." 2/

The Commission placed the Auto Emergency frequencies -- which are used by AAA to respond to over 80,000 emergency road calls a day -- in the Industrial Pool, rather than the Public Safety Pool. 3/ With the exception of frequencies in three services (Power, Petroleum and Railroads), any coordinator within the Industrial Pool will have the ability to coordinate any frequency within the pool, including frequencies formerly reserved for Auto Emergency use. 4/

In its Petition for Reconsideration, AAA demonstrated that the Commission's decision failed to adequately consider the substantial public safety aspect of the service provided by AAA. 5/ By permitting multiple entities to coordinate the Auto Emergency frequencies, the *Second Report and Order* will place an increased burden on those frequencies, and on AAA's ability to respond to emergency situations.

This result directly conflicts with the Commission's objectives in this proceeding. Accordingly, AAA recommended that the Commission reconsider its

2/ *Id.* at ¶ 16.

3/ *Id.* at ¶ 23.

4/ *Id.* at ¶ 41-42.

5/ Petition for Reconsideration of the American Automobile Association at 6-9 (filed May 19, 1997) ("AAA Petition for Reconsideration").

decision and place the Auto Emergency frequencies in the Public Safety Pool. 6/ At a minimum, AAA demonstrated that it should be given the same coordination rights within the Industrial Pool as other quasi-public safety services. 7/

The Association of Public Safety Communications Officials ("APCO") and the Personal Communications Industry Association ("PCIA") both oppose AAA's request for the Commission to recognize the significant public safety aspect of AAA's operations. 8/ Specifically, APCO opposes AAA's request because it would expand the Public Safety Pool to include non-government entities. 9/ PCIA opposes any recognition that services within the Industrial Pool that are used for public safety purposes should have greater control over frequency coordination. 10/ As we demonstrate below, neither of these parties has demonstrated why AAA should not be given comparable protection to other public safety and quasi-public safety entities.

6/ AAA Petition for Reconsideration at 12.

7/ AAA Petition for Reconsideration at 15-17.

8/ Comments of APCO in Response to Petitions for Reconsideration and Clarification (filed June 19, 1997) ("APCO Comments"); Opposition and Comments of the Personal Communications Industry Association (filed June 19, 1997) ("PCIA Opposition").

9/ APCO Comments at 3.

10/ PCIA Opposition at 6-7.

I. THERE IS NO REASON TO RESERVE THE PUBLIC SAFETY POOL FOR GOVERNMENT USERS.

The primary basis for APCO's opposition to including the Auto Emergency frequencies in the Public Safety Pool is because auto emergency systems are not "provided by governmental entities or private entities acting under governmental authority." 11/ APCO only opposes inclusion of the Auto Emergency frequencies in the Public Safety Pool and does not dispute that those frequencies are used for "important safety-related" functions that are worthy of protection within the Industrial Pool. 12/

As an initial matter, APCO's position ignores the fact that AAA often works in direct partnership with state and local government rescue agencies, both on a day-to-day basis and in mass emergency situations. 13/ In situations where a private entity is using frequencies to provide service at the request of, or in conjunction with, a government agency, the distinction between government and non-government use that APCO asks the Commission to draw is completely arbitrary. Indeed, we understand that a substantial number of local government agencies have filed informally with the Commission expressing their support for AAA's Petition for Reconsideration in this proceeding based on AAA's history of cooperation with those agencies.

11/ APCO Comments at 3.

12/ *Id.* at 2.

13/ AAA Petition for Reconsideration at 8, Exhibit A.

Furthermore, even when AAA is not operating in direct partnership with state and local government, the services it provides are no less vital to the safety of the public. When AAA rescues a baby locked in a car or a motorist stranded in extreme weather conditions, the impact on the public is the same as if that rescue had been performed by the police or fire department. Rather than focusing on whether the entity using a frequency is a government agency or a private entity, the Commission should focus instead on the nature of the service for which the frequencies predominantly are used and the impact on the public of disruptions or delays in communications on those frequencies.

As AAA demonstrated in its Petition, placing the Auto Emergency frequencies in the Industrial Pool -- without even the minimal coordination rights granted to quasi-public safety services -- will result in delays in communications on those frequencies. This will severely impact the level of service AAA is able to provide, thereby jeopardizing the safety of the public. Accordingly, under the analysis proposed herein, placement of the Auto Emergency frequencies in the Public Safety Pool is warranted.

APCO also argues that the Auto Emergency frequencies are not entitled to comparable treatment with the Special Emergency frequencies -- which were placed in the Public Safety Pool -- because the Special Emergency operations "are provided by governmental entities" or are "private ambulance services that provide critical life-saving activities on a daily basis." ^{14/} AAA agrees completely

^{14/} APCO Comments at 3. This characterization does not appear to be entirely accurate. Veterinarians, for example, are included in Special Emergency but do not

that frequencies used for safety activities on a daily basis should be included in the Public Safety Pool. Indeed, it is because AAA provides safety-related services on a daily basis that the Auto Emergency frequencies are appropriately included in the Public Safety Pool.

As to APCO's argument that the provision of service by governmental entities justifies different treatment for Auto Emergency and Special Emergency, we demonstrated above that a distinction based on the status of an entity, rather than the nature of the service for which the frequencies are used, is inconsistent with the Commission's objectives in this proceeding. For example, the fact that school buses are operated by government, as opposed to private, entities has little bearing on how the safety of the public would be impacted if communications on those frequencies are disrupted.

APCO also expresses concern about allowing non-government users to have "unfettered access" to scarce public safety frequencies. ^{15/} This concern is entirely unwarranted. Under AAA's proposal, licensees in the Auto Emergency service would continue to use those frequencies to provide service, although those frequencies now would be in the Public Safety Pool. The only time an Auto Emergency user would have access to other frequencies in the Public Safety Pool

fall into either category identified by APCO, and do not appear to be connected with public safety activities in any event.

^{15/} APCO Comments at 3.

under AAA's proposal would be when that user was sponsored by a government agency. 16/

In sum, by basing eligibility for the Public Safety Pool on whether the service is provided by a government entity, APCO would exclude from that pool services that have an equal or greater impact on public safety than some of the services included. Because this result is inconsistent with the Commission's objectives, the Commission should not follow APCO's recommendation.

II. PCIA'S OPPOSITION IGNORES THE COMMISSION'S FINDING THAT SOME SERVICES WITHIN THE INDUSTRIAL POOL NEED ADDITIONAL CONTROL OVER COORDINATION.

PCIA's Opposition is premised on the view that no service within the Industrial Pool requires special coordination procedures and that any coordinator in the pool is capable of coordinating any frequency in the pool. 17/ This position flatly contradicts the Commission's recognition in the *Second Report and Order* that some services require greater control over frequency coordination because they must be able to respond to public safety situations. As the Commission stated:

[W]e believe maintaining the integrity of spectrum used for such public safety purposes is extremely important and using coordinators who are knowledgeable with such special communications needs is the best way to protect these systems. 18/

16/ AAA Petition for Reconsideration at 18.

17/ PCIA Opposition at 7 ("every radio service has a public-safety related component, and none of the radio services in the combined pool is more important than another.>").

18/ *Second Report and Order* at ¶ 41.

In making this finding, the Commission recognized that not all coordinators are equally capable of responding to the special needs presented by some services. Therefore, the relevant issue is not whether quasi-public safety services should have greater control over coordination, but which services require such control. As explained above, the Commission should focus on the nature of the service for which the frequencies are used and the impact on the public of delays in communications on those frequencies. When frequencies are primarily used for safety-related services, as is the case with the Auto Emergency frequencies, the Commission should take steps to minimize the potential for disruptions on those frequencies by giving the established frequency coordinator greater control.

PCIA implies that the multitude of parties seeking special coordination rights based on the public safety nature of their service somehow diminishes the force of each party's argument. 19/ In fact, the opposite is true. The fact that so many parties are concerned about losing control over coordination suggests there is widespread concern about the inability of other coordinators to understand the nuances of each service.

In particular, there is significant concern regarding the extent to which incumbents in the Auto Emergency frequencies, as well as other safety-related services, will be protected from competing demands after the two-pool

19/ PCIA Opposition at 6.

system takes effect. 20/ The old system provided coordinators like AAA an incentive to balance the needs of incumbents and new users because both sets of users were their constituents. In contrast, coordinators under the new system can place new users in frequencies where they do not represent the incumbents, in which case the coordinator will have little incentive to safeguard the interests of the incumbents.

Consequently, to preserve the ability of existing licensees to provide safety-related services, AAA requested that it be granted the same coordination rights as the three quasi-public safety services (Power, Petroleum and Railroads) identified by the Commission in the *Second Report and Order*. As noted by APCO, auto emergency services "have an important safety-related role," and should be "treated similar to 'public service' radio frequencies such as utility and railroad services. Such a result would be consistent with the recent Public Safety Wireless Advisory Committee ("PSWAC") report." 21/

AAA also recommended that the Commission clarify that coordinators for quasi-public safety services would have no greater obligation to share frequencies with other users than exists under the current interservice sharing rules. 22/ This proposal, which was supported by UTC, would ensure that there are

20/ AAA Petition for Reconsideration at 10-11; *see also* Petition for Partial Reconsideration of the Alarm Industry Communications Committee at 3-5 (filed May 19, 1997); Petition for Reconsideration of the American Trucking Association at 10 (filed May 16, 1997); Comments of the Forest Industries Telecommunications at 6-7 (filed June 19, 1997).

21/ APCO Comments at 2.

22/ AAA Petition for Reconsideration at 17.

known standards that coordinators for these frequencies will apply. 23/ The effect of this proposal would be to preserve the status quo for quasi-public safety services, while allowing consolidation to proceed for other services. This strikes the optimal balance between the Commission's goals of promoting efficient use of spectrum and protecting the integrity of spectrum used for public safety services.

CONCLUSION

For the reasons stated herein and in AAA's Petition for Reconsideration, the Commission should place the Auto Emergency frequencies in the Public Safety Pool. If the Commission does not follow this approach, it should, at a minimum, give AAA and other quasi-public safety services stronger coordination rights within the Industrial Pool.

Respectfully submitted,

AMERICAN AUTOMOBILE ASSOCIATION

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Its Attorneys

July 2, 1997

23/ Comments of UTC on Petitions for Reconsideration at 10 (filed June 19, 1997).

CERTIFICATE OF SERVICE

I, Deborah N. Ng, do hereby certify that copies of the foregoing Reply of the American Automobile Association were mailed, postage prepaid by first class mail, to each of the following this 2nd day of July 1997:

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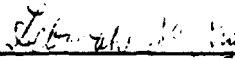
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

RECEIVED

SEP - 5 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
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Modify the Policies Governing Them)
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Examination of Exclusivity and Frequency)
Assignments Policies of the Private)
Land Mobile Services)

PR Docket No. 92-235

MOTION OF AAA
FOR LEAVE TO FILE SUPPLEMENTAL COMMENTS

The American Automobile Association ("AAA"), by its attorneys and pursuant to 47 C.F.R. § 1.429(d), hereby requests leave to file supplemental comments in support of its Petition for Reconsideration in the above-referenced docket. 1/

These comments are necessitated by recent congressional action which affects the issues raised by AAA in its Petition for Reconsideration. Specifically, on August 5, 1997, the President signed the Balanced Budget Act of 1997 (the "Budget Act"). 2/ Among other things, the Budget Act prohibits the FCC from using

1/ A copy of the Supplemental Comments is attached. Copies of this Motion and the attached Supplemental Comments are being served on all parties that filed petitions for reconsideration of the *Second Report and Order*, or oppositions to any such petitions.

2/ P.L. 105-33 (August 5, 1997).

competitive bidding to award licenses used by "public safety radio services" including "emergency road services provided by not-for-profit organizations." 3/

This congressional determination that emergency road services are "public safety radio services" bears directly on the issues under review in this proceeding. The *Second Report and Order* classified certain frequencies as "public safety" or "quasi-public safety" and accorded greater interference protection to those frequencies. AAA's Petition for Reconsideration challenged the Commission's determination that frequencies in the Auto Emergency Radio Service were neither public safety nor quasi-public safety frequencies. Congress now has spoken directly on this classification, and therefore AAA respectfully requests permission to file these supplemental comments.

Respectfully submitted,

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Its Attorneys

September 5, 1997

3/ Budget Act, § 3002(a)(2)(A).

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)	
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Replacement of Part 90 by Part 88 to Revise)	PR Docket No. 92-235
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two broad pools: a Public Safety Pool and an Industrial/Business Pool. 2/ The
Commission placed the Auto Emergency frequencies -- which are used by AAA to
respond to over 80,000 emergency road calls a day -- in the Industrial Pool, rather

1/ *Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them*, Petition for Reconsideration of the American Automobile Association (filed May 19, 1997) ("AAA Petition for Reconsideration").

2/ *Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them*, Second Report and Order, PR Docket No. 92-235, FCC 97-61 (rel. March 12, 1997) ("*Second Report and Order*").

than in the Public Safety Pool. 3/ With the exception of frequencies in three “quasi-public safety” services (Power, Petroleum and Railroads), any coordinator within the Industrial Pool will have the ability to coordinate any frequency within the pool, including frequencies formerly reserved for Auto Emergency use. 4/

In its Petition for Reconsideration, AAA demonstrated that the Commission’s decision failed to adequately consider the substantial public safety aspect of the service provided by AAA. 5/ By permitting multiple entities to coordinate the Auto Emergency frequencies, the *Second Report and Order* will place an increased burden on those frequencies, and on AAA’s ability to respond to emergency situations. This result directly conflicts with the Commission’s objectives in this proceeding. Accordingly, AAA recommended that the Commission reconsider its decision and either (1) place the Auto Emergency frequencies in the Public Safety Pool, or (2) give AAA the same coordination rights within the Industrial Pool as other quasi-public safety services. 6/

On August 5, 1997, the President signed the Balanced Budget Act of 1997 (the “Budget Act”). 7/ Among other things, the Budget Act generally expands the Commission’s authority to assign licenses through competitive bidding when

3/ *Id.* at ¶ 23.

4/ *Id.* at ¶ 41-42.

5/ AAA Petition for Reconsideration at 6-9.

6/ *Id.* at 12, 15.

7/ P.L. 105-33 (August 5, 1997).

there are mutually exclusive applications. In expanding the Commission's auction authority, however, Congress specifically exempted licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." ^{8/} Congress explained in the Conference Report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association (AAA). The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." ^{9/}

Congress' determination that auto emergency radio services such as those provided by AAA perform a "valuable public safety service" is based on AAA's history of responding to emergency situations. As AAA explained in its Petition, AAA responds to over 29 million calls a year. Approximately 30 percent of those calls, or more than 8 million calls a year, involve situations in which there is some threat to personal or public safety. ^{10/}

^{8/} Budget Act, § 3002(a)(2)(A). Notably, Congress specifically identified auto emergency services, but did not identify the three quasi-public safety services identified by the Commission in the *Second Report and Order*.

^{9/} H.R. Report 105-217 at 572.

^{10/} This estimate is based on a review of AAA's internal records. The percentage may actually be higher as AAA's current data collection system underreports certain categories of safety assistance.

Congress' recognition of the public safety function performed by AAA supports AAA's recommendation that the auto emergency frequencies be provided with additional protection against interference. As AAA explained in its Petition, placing the Auto Emergency frequencies in the Industrial Pool without at least granting AAA the same coordination rights as other quasi-public safety entities will jeopardize AAA's ability to provide the level of service that its 39 million members, and local safety agencies, have come to rely on. This is inconsistent with the Commission's goal of protecting frequencies used for safety purposes from interference, and with the congressional determination that emergency road services constitute public safety services.

Accordingly, for the reasons stated herein and in AAA's prior filings in this docket, the Commission should provide greater protection to the Auto Emergency frequencies by placing those frequencies in the Public Safety Pool or by